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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,506	12/14/2001	Masayuki Murakami	Q66577	3596

7590

04/04/2006

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

LAVIN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/014,506	MURAKAMI, MASAYUKI	
	Examiner	Art Unit	
	Christopher L. Lavin	2621	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Christopher L. Lavin. (3) _____
 (2) Bhaskar Kakarla (Reg. 54,627). (4) _____

Date of Interview: 30 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: Claim 1.

Identification of prior art discussed: Takeo (6,075,877) and Hiyama (6,269,379).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative contacted the examiner requesting clarification on the 103 rejection used to reject the majority of the claims in the case. The examiner provided the applicant's representative with as complete and clear an explanation in writing as possible. This explanation has been attached to the end of the interview summary.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**BRIAN WERNER
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

In an effort to clear up any confusion the applicants may have over the 103 rejection the examiner would like to provide a detailed explanation of his reasoning.

To begin with, the examiner stated in the first office action,

“The method disclosed by Takeo must have some way of identifying the image files in order to work. The information that would be required in some fashion about these images is identifying an image as high or low energy, a link between pairs (indicating that the low-energy data set belongs to the same combination as the high-energy image data set), and a link between a pair and the resultant image. These links constitute combination information.”

The applicant responded to the first office action arguing that “links” were not inherent. The examiner stated the following in his response to arguments section in the final action,

“If the examiner had been claiming inherency the rejection would have been presented as a 102. However, the examiner was not claiming the concept was inherent, in fact the examiner pointed out that Takeo was silent on the concept and provided a 103 reference to provide a teaching of providing links between image files. Although ineloquently done the examiner was trying to establish that there must be some kind of relationship between the files.”

The examiner believes the majority of the confusion over this issue is due to two words: link and relationship. For all future communications the examiner will use the following definitions of these two words:

Link: A physical connection between two files. This may be implemented using pointers, or a data structure attached to a file.

Relationship: Simply a connection in some fashion between two or more files.

So all links are relationships, but all relationships are not links. The examiner mistakenly used the term “links” where “relationships” should have been used in the advisory action. The examiner would like to apologize for not establishing these definitions earlier.

Returning to the rejection, it is clear that Takeo would need some kind of relationship between the files for the system and method of Takeo to work. Hiyama was brought in to provide two teachings: linking files together and storing attribute information about said files.

“By linking the files together and storing attribute information about the files the method disclosed by Takeo will be able to handle multiple groupings of files and store the results, along with the associated data.”

Hiyama shows that medical images can have information stored with them that includes identification information and linking information. The linking information was the examination id (figure 2, item 71) and the identification information included serial number, region code, and position code (figure 2, items 72, 76, and 77) among others. The linking information provides a

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connection between all files with the same examination id. The examiner was in no way contending that the identification information as taught by Hiyama was combination data. Nor was the examiner claiming that the identification data was the same data Takeo would use (mainly what type of energy image was taken). Simply that identification data, providing details about an image, can be stored with a medical image file. To reiterate the examiner was only using the teaching to show the concepts of linking information and identification information.

A handwritten signature in black ink, appearing to be 'B. Werner', with a long horizontal line extending to the right.

**BRIAN WERNER
PRIMARY EXAMINER**